

Amendment 2 Special Report

Onward Christian Soldiers

by Cara DeGette

The gay and lesbian roar of victory after Denver District Judge Jeffrey Bayless' ruling on Amendment 2 was undeniably loud last week, but so too is the fact that the fat lady hasn't even started to warble.

In other words, how Bayless' ruling will affect other proposed and approved legislation against homosexuals across the country is up for debate.

"Hopefully, it will put a nail through their heart, but I doubt that will happen," said David Miller, legal director for the American Civil Liberties Union of Colorado. "If we want to put the coffin six feet under, the Supreme Court will have to rule."

Agreeing with their opponents for perhaps the first time, leaders at Colorado for Family Values concur that a Supreme Court ruling is certainly in order. CFV is the group that drafted the amendment and worked to get the law passed.

"We don't view Bayless' decision as a defeat," said Kevin Tebedo, CFV's executive director, charging that the judge's ruling contradicts itself by first saying homosexuals are an identifiable group and later intoning that they are not.

"Bayless made a politically correct ruling, and that's why it's so important it goes to the Supreme Court," Tebedo said.

The judge's ruling may have put anti-gay right legislation in Colorado in temporary purgatory, but similar efforts to fight gay and lesbian rights in other parts of the United States haven't exactly come to a screeching halt.

People for the American Way, a Washington, D.C.-based group that has

tracked anti-gay activities across the country, has identified 132 state or local battles waged since November 1992. Last month, the group released what its leaders say is the most comprehensive report to date documenting the broad array of anti-gay activity in states and localities throughout America.

People For identified nine states that are facing efforts to place what they call anti-gay rights state ballot initiatives in 1994. They include: Arizona, California, Florida, Idaho, Maine, Michigan, Missouri, Oregon and Washington state.

Other attempts have been made to block gay rights bills in Illinois, Maine, Maryland, Minnesota, Nebraska, New Mexico, New York, Oregon, Rhode Island, Washington and West Virginia, People For reports.

Indeed, since last November, the group

says, roughly half of the states in the country have witnessed state legislative battles involving gay rights issues. Those battles involve issues ranging from education to civil rights to marriage to adoption to sodomy.

Colorado Springs' own Colorado for Family Values has emerged as a nationally known anti-gay rights organization over a relatively short period of time, joining powerful groups such as Pat Robertson's Christian Coalition and the Rev. Lou Sheldon's Traditional Values Coalition in helping to support many of these battles being engaged across the land.

Tebedo said CFV will press forward even as Bayless' ruling is being appealed. Stating that his group's mission is to provide resources for other groups and individuals, Tebedo said CFV doesn't make it its business to go to other states to "shake things up." Instead, the organization is there to help other organizations and individuals requesting assistance or advice.

Sometimes the help and resources come in the form of money, other times CFV lends advice and background materials to groups interested in pursuing legal battles against homosexuals and to communities who want to fight gay activists.

CFV reportedly spent nearly \$400,000 to help push the passage of an Amendment 2-modeled anti-gay rights law in Cincinnati last month, providing 79 percent of the money to the Ohio group that worked to

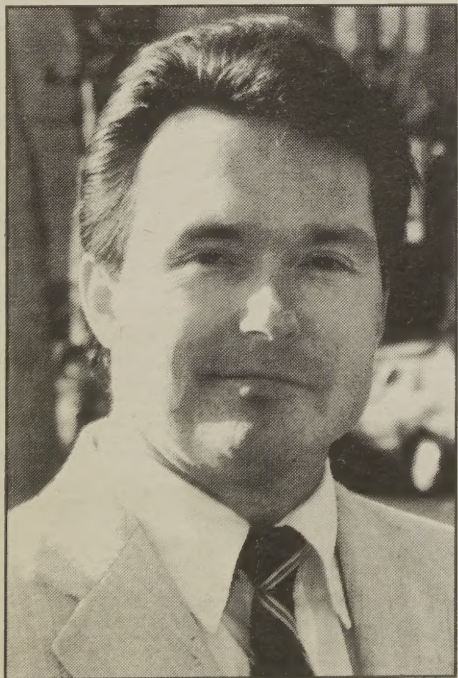
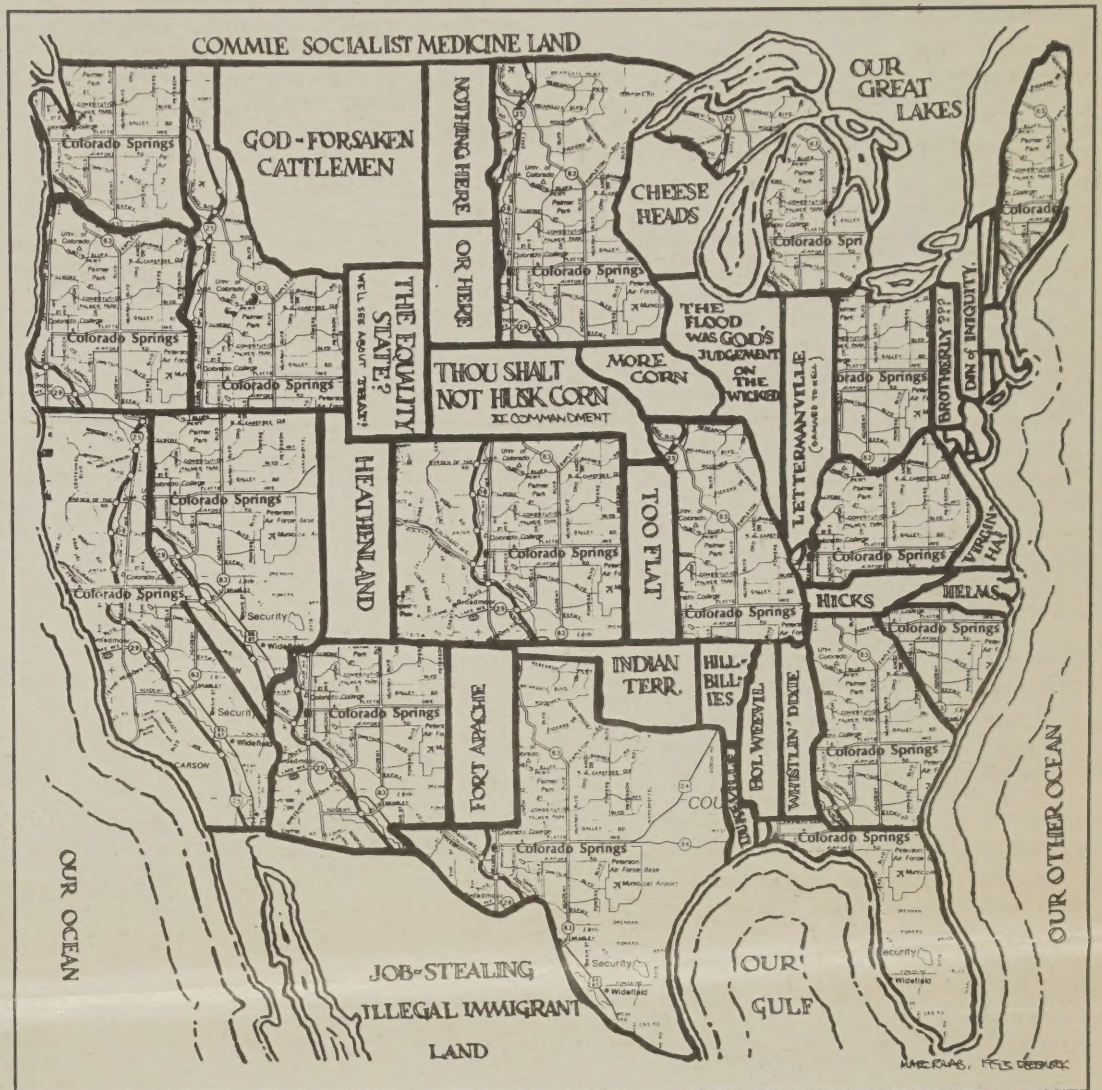
get the law passed. Members of the group, called Citizens for Community Values, also attended CFV seminars to get training on ways to oppose gay rights laws.

Earlier this month, Tebedo was called upon to speak at a conference sponsored by the American Family Association in Austin, Texas. A citizen's group there is working to repeal a city ordinance that extends benefits to gay couples who are city workers. CFV has not given any money to the group's efforts, Tebedo said, but has extended assistance in the form of advice.

While Tebedo was in Austin, commissioners in nearby Williamson County voted to reject a tax break to Apple Computer Inc., which wanted to build a huge office complex there and create 1,500 jobs over the next seven years in the economically depressed county. Commissioners initially denied the tax break, because the computer maker offers health benefits to unmarried — including gay — partners of employees.

Tebedo's presence in Texas was a coincidence, he said. But the leader of the group he spoke to reportedly urged the board not to approve the tax break. However, after voting down the tax break, one of Williamson County's commissioners flip-flopped his position, and the board voted to allow it after all.

Tebedo said, that while CFV had no part in the Williamson County fiasco, he



A Little Advice:

Colorado for

Family Values

Executive

Director Kevin

Tebedo says his

group's position

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"shake things

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A Week's Worth

Wednesday, Dec. 22

• Aaron Harber, an entrepreneur from Lafayette, Colo., announces his candidacy for the Colorado Lt. Governor's race today. Harber, a Democrat, has planned campaign stops at seven Front Range cities, including a 3 p.m. announcement at El Paso County Democratic Headquarters, 622 S. Tejon St. Incumbent Lt. Gov. Mike Callihan has announced he will not seek re-election.

• City buses will not be in service on Christmas Day and New Year's Day in observance of those holidays, the City of Colorado Springs Transportation Department announced. Full service will be provided, however, on Friday, Dec. 24 and Friday, Dec. 31. Call 475-9733 for schedule information.

Tuesday, Dec. 21

• Tuesday marked the winter solstice, the longest night and the shortest day of the year. According to Dean Tollefson of the Inter-Faith Council in Colorado Springs, pagans and persons of other faiths celebrate the solstice as the rebirth of the sun and use the opportunity to explore other human issues.

Monday, Dec. 20

• Vern Smalley, on trial for shooting 17-year old Carmine Tagliere after a traffic altercation last April, said he would not take the stand in his second degree murder trial. He had been expected to testify on his own behalf.

• The historical one-way rock tunnel on Highway 67 north of Cripple Creek may be in danger of being replaced by a two-lane road. Officials from the Colorado Department of Transportation closed the 100-year-old tunnel after a geological study showed the tunnel's walls are unstable.

Sunday, Dec. 19

• Dianne Lindsey, 24, was shot three times early Sunday at her Colorado Springs home and was pronounced dead at the scene. Lindsey's son, 2, and his grandmother, Dora Lindsey, 46, were shot also and are being treated at Memorial Hospital. Police suspected the gunman was Lindsey's estranged boyfriend, 27-year-old Eric Williams. A citywide search didn't produce the suspect, who turned himself into the police about 14 hours after the slaying. Police say Williams' motive appears to be jealousy.

• The last two weeks were among the bloodiest in the nation's history, with multiple killing incidents leaving in its wake 22 dead in six shootings over 15 days. Hitting closest to home was the slaying of four employees at the Chuck E. Cheese in the Denver suburb of Aurora by a man police say is a disgruntled former employee.

Saturday, Dec. 18

• Gina Flores, a senior at The Colorado Springs School, earned a berth in the Women's Chorus, a part of the Colorado All-State Choir. She was one of 1,400 who auditioned. Only about one in 10 who audition are selected.

Friday, Dec. 17

• Kenneth McNeille, 38, of Colorado Springs was arrested on suspicion of false reporting of explosives. McNeille apparently had made several calls to a variety of local authorities claiming an atomic bomb had been placed at NORAD. No bomb was found, and the man was booked into the El Paso County Criminal Justice Center on a \$750 bond.

• Colorado Springs firefighter Lt. Kent Matthews was recently awarded the "Outstanding Citizen of Colorado Springs" for December by the Start-A-Trend-Up Committee, a group of local business people.

• The longest sentence ever issued in El Paso County, 376 years in prison, went to serial rapist Benedict Jackson. In addition to being convicted of a string of sexual assaults locally, Jackson will face another trial in January where he has been charged with the alleged rape of six other women. He is also suspected of sexually assaulting a woman in Germany while in the Army and of raping a man in prison.

Thursday, Dec. 16

• Barbara Lewis, a Cheyenne Mountain High School math teacher, sustained severe chemical burns to her mouth and throat after a student apparently attempted to poison her. The student, a junior, is suspected of placing a crystallized form of sodium hydroxide (a caustic ingredient found in certain drain openers) in the teacher's water bottle. The student is being held in Zebulon Pike Detention Center and was charged with attempted first-degree murder. After a brief investigation, police are saying the student was angry at Lewis due to her issuing him an unexcused absence from class. Lewis was reported in fair and stable condition. She is the wife of the District 12 school board president.

• Ron Sega, a UCCS professor and electrical engineering researcher, is scheduled to be aboard on NASA's next space shuttle mission Jan. 27. Sega, a former military pilot, may be one of the first astronauts to work in an orbiting space station, if one is built.

• MCI Communications Corp., the nation's second largest long-distance network, has divided its Colorado Springs-based Network Systems Division and will locate a section in a Rockrimmon-area building it leased last week.

Wednesday, Dec. 15

• A woman who alleged attorney James Bertagnolli sexually assaulted her, has lost a civil lawsuit against him. The woman said she was assaulted in 1991 when she invited the attorney to her home after he settled a personal-injury suit for her. The Colorado Springs attorney said he had consensual sex with the woman, who plans to appeal.

• William Milne, 72, a former insurance executive, was sentenced recently to 10 years in prison for the theft of \$307,000 collected from the Christian Booksellers Association members. Milne was to have given the collections to the Fireman's Fund Insurance Co. Despite District Judge Richard Toth's order for Milne to reimburse the insurance company, prosecutors said it is unlikely restitution will be made.



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is disappointed in the commissioner's decision to change his mind.

"He (the commissioner) was intimidated into buckling under, and that is one man who is going to be sorry he did that," he said. "Now he appears weak to everybody."

In California, the powerful leader of the Traditional Values Coalition is reportedly heavily involved in anti-gay initiative plans for November 1994, including working to repeal a law that protects employees from discrimination on the basis of sexual orientation.

Tebedo said that while some individual California cities have requested and received information from CFV, members of his organization's seven-member board have not, to his knowledge, been

called upon to assist in any of the efforts in California.

Closer to home, Elliot Minberg, legal director of People For, said he hopes Bayless' ruling sends the message to other communities currently considering similar legislation that laws that "literally take people's rights away are going to be ruled unconstitutional." But, he said, groups such as CFV, who are working to get laws restricting the rights of gays and lesbians passed, may switch to other methods.

"Hopefully [the ruling] will provide ammunition for those fighting [anti-gay] legislation," Minberg said. "But, as in Congress, there are always those groups who are perfectly happy to pass a law knowing it's illegal."

Among other methods the groups may utilize to push legislation through is to repeal current laws protecting gays and lesbians. Introducing legislation to limit discrimination against gays and lesbians has also been tried, as have efforts to remove extreme language from proposed legislation, Minberg said.

He declined to speculate on other methods groups like CFV might engage in to get laws passed, saying he doesn't want to give anyone any ideas.

"All of these have problems as well, though," Minberg said. "No one has come up with magic ways to pass hateful laws where there have been no problems."

And in the aftermath of Bayless' ruling on Amendment 2, the fight over gay

rights issues is nowhere more apparent than here in Colorado Springs. Earlier this month, a majority in the city's Human Relations Commission expressed a keen interest in studying the possibilities of reviving the city's proposed Human Rights Bill of 1991.

The bill, which was thrown out by city council, echoed federal and state civil rights laws protecting workers from discrimination on the basis of race, gender, religion and disability. When the ordinance was initially proposed to council back in '91, it also included protection on the basis of sexual orientation.

It was that ordinance, to a large degree, that inspired the people who formed CFV to draft Amendment 2.

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an open door goes
without saying.



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Amendment 2 Special Report

Deciphering Amendment 2's Legalese

by Andrew Gorgey

"This is not the easiest thing in the world to understand. Don't get too bogged down in details."

Those are the words of Luis Rovira, chief justice of the Colorado Supreme Court, regarding the legal terms used in District Judge Jeffrey Bayless' opinion on Amendment 2. Rovira consented to a rare phone interview last week with *The Independent*.

Terms like protected class status, suspect class, quasi-suspect class, permanent injunction, strict scrutiny and rational basis review have many people confused, even

recognize gays as a suspect class, it did allow laws protecting gays, lesbians and bisexuals to exist. Bayless ruled that there is a rational basis for these laws.

So, what would happen today if a person went to a restaurant in Colorado Springs with two homosexual friends who were then asked to vacate the premises because they were homosexual?

"There is no remedy," said local attorney Greg Walta, an outspoken critic of Amendment 2 who authored a compromise proposal to the amendment early